

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT AKRON**

IN RE:)	Case No. 15-51137
)	
KAY A. MAY)	Adversary No. 19-05026
)	
Debtor)	IN PROCEEDINGS UNDER CHAPTER 13
)	
EVIN KING,)	JUDGE ALAN M. KOSCHIK
4389 Hayes Road)	
Ravenna, OH 44266)	
)	
Plaintiff)	
vs.)	COMPLAINT TO DETERMINE
)	DISCHARGABILITY OF DEBT
KAY A. MAY)	PURSUANT TO 11 U.S.C. § 523(a)(6)
763 E. Tuscarawas Avenue)	
Barberton, OH 44203)	
)	
Defendant)	

AMENDED COMPLAINT

Now comes Evin King, the plaintiff herein, by and through his attorneys, Loevy & Loevy, and, for his cause of action against the defendant, states as follows:

1. This is a core proceeding over which this Court has jurisdiction under 28 U.S.C. § 157(b).
2. Defendant Kay May is a debtor in this Chapter 13 bankruptcy case. Plaintiff is a creditor of the Defendant Kay May.
3. Defendant Kay May is seeking discharge herein under section 1328 of the BankruptcyCode.
4. This is an adversary proceeding to determine whether a debt is dischargeable.
5. On October 10, 2018, Evin King filed a federal civil rights lawsuit under 42 U.S.C. §1983 in the United States District Court for the Northern District of Ohio against

Defendant Kay May (among others) in connection with Ms. Kay's investigation and the subsequent prosecution of MR. King for a crime that he did not commit. *See King v. Matuszny, et al.*, No. 1:18-CV-2353 (N.D. Ohio) (complaint attached as Exhibit 1). May's actions resulted in Mr. King's wrongful conviction and subsequent imprisonment for 23 years before new evidence was discovered and his conviction were overturned in 2017. This lawsuit is currently pending before Judge Dan A. Polster.

6. Mr. King and his counsel have never been provided with any written notice of Defendant May's bankruptcy petition, but were verbally advised about the petition on or about February 1, 2019.

7. The debt, which is yet to be determined as the claim is currently pending, is non-dischargeable under 11 U.S.C. § 523(a)(6).

WHEREFORE, Evin King prays that the Court determine that the debt of Defendant Kay May to Plaintiff is non-dischargeable; that the Plaintiffs' judgment, yet to be determined as the claim is still pending in the United States District Court for the Northern District of Ohio, is not discharged; that any bankruptcy-related stay be lifted in *King v. Matuszny, et al.*, No. 1:18-CV-2353 (N.D. Ohio) (see King's Motion for Relief from Stay); and that Plaintiffs have such other and further relief as is just.

PLAINTIFF EVIN KING

By: s/ Mark Loevy-Reyes
Arthur Loevy
Jon Loevy
Danielle Hamilton
Mark Loevy-Reyes
LOEVY & LOEVY
311 North Aberdeen, Third Floor
Chicago, IL 60607
(312) 243-5900
mark@loevy.com
Counsel for Plaintiff Evin King

CERTIFICATE OF SERVICE

I, Mark Loevy-Reyes, an attorney, hereby certify that on April 5, 2019, a true and correct copy of the foregoing Complaint to Determine Dischargability of Debt Pursuant to 11 U.S.C. § 523(a)(6) was served via CM/ECF or by U.S. Mail to the following:

Kay A. May
763 E Tuscarawas Avenue
Barberton, OH 44203
(via Regular U.S. Mail)

Vance P. Truman
Debtor's bankruptcy counsel
(via ECF medinaatty@vancetruman.com)

Keith Rucinski, Chapter 13 Trustee
(via ECF at krucinski@ch13akron.com)

Amy Good
Office of the US Trustee
(via ECF at amy.l.good@usdoj.gov)

Dated: April 5, 2019

s/ Mark Loevy-Reyes
Attorney for Plaintiff Evin King

Arthur Loevy
Jon Loevy
Danielle Hamilton
Mark Loevy-Reyes
LOEVY & LOEVY
311 North Aberdeen, Third Floor
Chicago, IL 60607
(312) 243-5900
mark@loevy.com